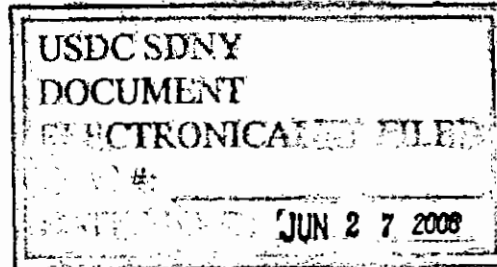


PROSKAUER ROSE LLP

1585 Broadway
New York, NY 10036-8299
Telephone 212.969.3000
Fax 212.969.2900

BOCA RATON
BOSTON
CHICAGO
LONDON
LOS ANGELES
NEW ORLEANS
NEW YORK
PARIS
SAN FRANCISCO
WASHINGTON



Adam D. Siegartel
Attorney at Law

Direct Dial 212.969.3847
asiegartel@proskauer.com

June 26, 2008

BY FAX

Honorable Laura Taylor Swain
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 755
New York, New York 10007

MEMO ENDORSED

Re: Michael G. Porto v. Stephen Adly Guirgis, et al., No. 08-CV-01228 (LTS)(GWG)

Dear Judge Swain:

We are counsel for all defendants in the above-referenced matter. As discussed in our May 15, 2008 letter to your Honor, we will be moving this Friday to dismiss the complaint in full based principally on lack of substantial similarity as a matter of law, or alternatively for summary judgment on that ground. We write today, with the consent of opposing counsel, for leave to file a single exhibit under seal, namely, a DVD that includes portions of a performance of defendants' play that is at issue in this proceeding.

The issue on the forthcoming motion is whether any factfinder could find substantial similarity between plaintiff's novel and defendants' play, both of which were annexed to and incorporated in the complaint, and accordingly the court's comparison of the works will be central to the motion. Defendants believe that the DVD footage from the defendants' New York City production will be helpful to the Court in considering the motion, because the play is complex and may be hard to easily visualize and follow, and seeing large sections of the defendants' play will help the Court to more easily, quickly, and efficiently compare the plaintiff's novel to the defendants' play. While the play is published and not confidential, the videotape of about an hour of the production was made for only internal purposes and the defendants lack rights (from talent, stagehands, etc.) to release the video publicly. Without filing under seal, defendants could not prudently, consistent with their obligations, file the video in the Clerk's office, as unrestricted filing might lead to its public dissemination. There is not yet a protective order in place in this proceeding.

PROSKAUER ROSE LLP

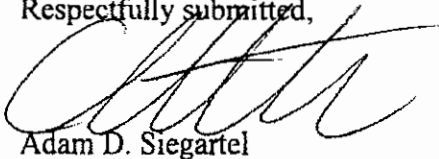
Honorable Laura Taylor Swain

June 26, 2008

Page 2

We therefore request that the Court direct the Clerk to permit filing under seal by "so ordering" this request.

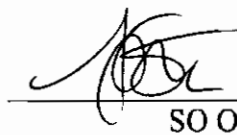
Respectfully submitted,



Adam D. Siegartel

cc: Darren M. Geliebter, Esq., The Dorf Law Firm LLP (by fax and email)
Charles S. Sims, Esq., Proskauer Rose LLP (by hand)

The request is granted.



6/27/2008

SO ORDERED